

Application No. 09/464,610
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REMARKS

The application has been amended and claims 1, 11, 17 and 28 have been amended. Claims 1-32 remain pending in the application. Reconsideration of the application is respectfully requested.

In the Office Action of March 27, 2001, the Examiner noted certain informalities. With respect to the ownership interest, submitted herewith is a revised Statement Under 37 C.F.R. §3.73(b) establishing the right of assignee to take action. This Statement is signed by a representative of the assignee of record. Entry of this Statement and reconsideration is respectfully requested.

Additionally, a Declaration of undersigned counsel is provided as to the loss of the original Letters Patent.

Furthermore, a Supplemental Reissue Declaration Under 37 C.F.R. §1.175(b)(1) is enclosed herewith. This Supplemental Declaration indicates that every error in the patent which was corrected in the present reissue application arose without any deceptive intention on the part of the applicant.

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The Supplemental Reissue Declaration is on behalf of inventor, Jose Nunez. A Petition Under 37 C.F.R. §1.47(a) is provided with respect to inventor, Peter Schmitt.

The amendments submitted herewith to claims 1 and 11 are submitted in compliance with 37 C.F.R. §1.121(b). Reconsideration is respectfully requested.

Independent claim 17 is rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,282,847 to Trescony et al. Furthermore, independent claim 28 is rejected under 35 U.S.C. §103(a) as being unpatentable over Trescony in view of U.S. Patent No. 5,275,622 to Lazarus.

Claim 17 and 28 have been amended to recite that the fixed diameter of the graft of the present invention does not pulsate or expand during use. This limitation was suggested by the Examiner in a telephone conference of January 2, 2001. At that time, the Examiner indicated that such an amendment would place the claims in condition for allowance.

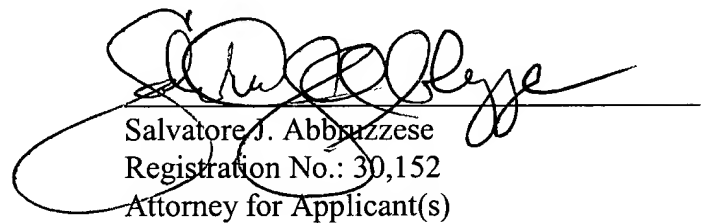
It is, therefore, respectfully submitted that having amended the claims in accordance with the Examiner's suggestion and having addressed each of the informalities noted, the

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application including claims 1-32 is deemed to be in condition for allowance. Favorable action thereon is respectfully solicited.

Should the Examiner have any questions with regard to the foregoing, the Examiner is respectfully invited to contact the undersigned counsel at the telephone number listed below.

Respectfully submitted,



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VERSION OF AMENDMENT WITH MARKINGS
TO SHOW CHANGES MADE

IN THE CLAIMS:

1. (Amended) A woven textile prosthetic implant comprising:

an elongate tubular body formed of a fabric wall having a fabric wall thickness no greater than about 0.16 mm, said tubular body having longitudinally spaced wave-like, generally uniform circumferential crimps along the length thereof, said crimps extending on both sides of said tubular body and having a crimp frequency of no less than about 6 crimps per centimeter.

11. (Amended) a woven textile intraluminally implantable graft comprising:

an elongate tubular graft body having a wall, said wall having a thickness of dimension such that the graft body is capable of being radially compressed for insertion into a delivery catheter;

said tubular graft body having a plurality of longitudinally spaced wave-like circumferential crimps along the length thereof on both sides of said tubular body, said wave-like crimps defining a crimp frequency of no less than 8 crimps per cm.

17. (Thrice Amended) A textile prosthetic implant comprising:

an elongate body formed from yarns woven into a tubular configuration, having a fixed diameter which does not expand or pulsate during use, said woven yarns defining a fabric wall having a thickness not exceeding about 0.16 mm.

28. (Thrice Amended) A textile graft comprising:

an elongate woven tubular body of a fixed diameter which does not expand or pulsate during use, having a fabric wall of thickness not exceeding 0.16 mm; said graft being radially compressible for catheter delivery and returnable to an open tubular configuration of said fixed diameter upon deployment.